

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

ART INTELLECT, INC., et al.,

Defendants.

ORDER & MEMORANDUM
DECISION

Case No. 2:11-CV-357-TC

Defendants Patrick Brody and Laura Roser have filed a Petition to Appeal the court's Preliminary Injunction Order and Civil Contempt Order. For the reasons set forth below, the Petition is DENIED.

First, Mr. Brody and Ms. Roser do not need permission to appeal the Preliminary Injunction Order to the Tenth Circuit.

Although our jurisdiction normally extends only to appeals from "final decisions" of district courts, see 28 U.S.C. § 1291, there are exceptions to the final judgment rule. A statutory exception permits immediate appeal of certain specified "interlocutory decisions." 28 U.S.C. § 1292. . . . Orders granting or denying preliminary injunctions are among the types of interlocutory orders that are immediately appealable under 28 U.S.C. § 1292.

Crowe & Dunlevy, P.C. v. Stidham, 640 F.3d 1140, 1147 (10th Cir. 2011).

Second, although permission to appeal the Order of Contempt is required, the court finds that appeal of that order would be premature. The court has yet to determine whether Ms. Roser

and Mr. Brody have purged themselves of contempt, and, consequently, has not imposed any sanction on Mr. Brody or Ms. Roser.

ORDER

For the foregoing reasons, Defendants Laura Roser's and Patrick Brody's Petition for Permission to Appeal (Docket No. 156) is DENIED.

DATED this 13TH day of February, 2012.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL
U.S. District Court Judge